

1 Sheila Sullivan Polk, SBN 007514
2 Yavapai County Attorney
3 ycao@co.yavapai.az.us

4 Attorneys for STATE OF ARIZONA

5 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

6 IN AND FOR THE COUNTY OF YAVAPAI

7 STATE OF ARIZONA,

8 Plaintiff,

9 vs.

10 STEVEN CARROLL DeMOCKER,

11 Defendant.

Cause No. P1300CR0020081339

Division 6

AFFIDAVIT REQUESTING
ATTENDANCE OF OUT-OF-
STATE WITNESS

12 STATE OF ARIZONA)
13) ss
14 County of Yavapai)

15 SHEILA SULLIVAN POLK, being first duly sworn upon her oath, deposes and says:

16 1. She is the Yavapai County Attorney assigned to prosecute the above-noted matter.

17 2. That Defendant, STEVEN CARROLL DEMOCKER, was indicted on February 6, 2009
18 with one (1) count First Degree Murder, a class 1 felony, and one (1) count First Degree Burglary, a
19 class 2 felony, in CR 2008-1339.
20

21 3. A probable cause hearing in regard to death penalty aggravators is scheduled in this
22 Court and in this matter commencing on the 20th day of October, 2009.
23
24
25
26

SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2009 SEP 28 PM 3:28

JEANNE WICKS, CLERK

BY: Shaunna Kelbaugh

Office of the Yavapai County Attorney

255 E. Gurley Street, Suite 300

Prescott, AZ 86301

Phone: (928) 771-3344 Facsimile: (928) 771-3110

1 4. Affiant believes that **TWILA GRAHAM** is a necessary witness to matters material to
2 the issues to be determined at the probable cause hearing in regard to death penalty aggravators
3 and her presence is required by the State of Arizona to present this matter effectively.

4 5. **TWILA GRAHAM** is a necessary witness because the State has evidence showing
5 that she was the UBS Financial Analyst and Record Custodian for any and all UBS accounts in
6 the name of Virginia Carol Kennedy and she received communication regarding Defendant's
7 attempt to gain control of Virginia Carol Kennedy's UBS account in August of 2008. The State
8 requests that **TWILA GRAHAM** be required to appear at said probable cause hearing and bring
9 with her: 1) any and all records of accounts including monthly account statements, signers on
10 account, beneficiaries, for Virginia Carol Kennedy, date of birth July 25, 1954, from January 1,
11 2007 through and including September 30, 2008, including all distributions made during the afore
12 mentioned time frame and the amount in the account at the time the account was closed; 2) any
13 and all emails and other interoffice communication regarding the accounts of Virginia Carol
14 Kennedy, date of birth July 25, 1954, directed to **TWILA GRAHAM** or the Nashville,
15 Tennessee UBS office from the Prescott, Arizona or Phoenix, Arizona UBS Office AND any and
16 all emails or other interoffice communication from **TWILA GRAHAM** or the Nashville,
17 Tennessee office to the Prescott, Arizona or Phoenix, Arizona UBS Office **INCLUDING AN**
18 **AUGUST 28, 2008, EMAIL FROM LIZ MINNARD FOM THE PHOENIX, ARIZONA**
19 **UBS OFFICE TO TWILA GRAHAM AND/OR THE NASHVILLE, TENNESSEE UBS**
20 **OFFICE**, from January 1, 2007 through and including September 30, 2008.

21 6. Affiant is further informed and believes that said witness is out-of-state and within the
22 borders of the State of Tennessee and said witness **TWILA GRAHAM** is working at UBS
23 Financial Services located at 3102 West End Ave., Suite 500, Nashville, Tennessee and that there
24
25
26

Office of the Yavapai County Attorney
255 E. Gurley Street, Suite 300
Prescott, AZ 86301
Phone: (928) 771-3344 Facsimile: (928) 771-3110

1 is no undue hardship on the witness in being compelled to attend and testify at the probable cause
2 hearing scheduled in this matter.

3 It is respectfully requested that this Court certify the presence of said witness to the
4 responding Court of Record in the State of Tennessee under the provisions of the Uniform Act to
5 Secure Attendance of Witnesses from Without the State in Criminal Cases as enacted in the State
6 of Tennessee under the appropriate provisions of the laws of the said State.
7

8 RESPECTFULLY SUBMITTED this 28th day of September, 2009.

9 SHEILA SULLIVAN POLK
10 YAVAPAI COUNTY ATTORNEY

11 By: Sheila Polk
12 Sheila Sullivan Polk
13 Yavapai County Attorney

14 SUBSCRIBED and SWORN to before me this 28th day of September, 2009, by Sheila
15 Sullivan Polk.

16 Deborah A. Cowell
17 Notary Public

18 My Commission Expires:

19 Oct 18, 2011

